

VIRGINIA BOARD OF MEDICINE

FINAL MINUTES

DATE, TIME & PLACE: The Board convened on February 23, 2007, at 8:30 a.m., at the Department of Health Professions, in order to consider whether the license of a practitioner should be summarily suspended pending the convening of a formal hearing. The Board President presided over the meeting.

MEMBERS PRESENT: Malcolm L. Cothran, Jr., M.D., President
Gen. Clara Adams-Ender, R.N.
Sandra A. Bell, M.D.
Patrick Clougherty, M.D.
Claudette Dalton, M.D.
Ann T. Burks, J.D.
Stephen Heretick, J.D.
Valerie Hoffman, D.C.
Gopinath Jadhav, M.D.
Brent Lambert, M.D.
Robert Mosby, M.D.
Jane E. Piness, M.D.
Karen Ransone, M.D.
Ellen Shapiro, D.P.M.

BOARD COUNSEL: Amy Marschean, Senior Assistant Attorney General

STAFF PRESENT: William L. Harp, Executive Director
Jennifer L. Deschenes, Deputy Executive Director, Discipline
Renée S. Dixon, Discipline Case Manager

PARTIES FOR THE COMMONWEALTH: Wm. Clay Garrett, Assistant Attorney General
Julia Bennett, Adjudication Specialist

MATTER CONSIDERED: **Joseph McNamara, M.D. License No.: 0101-039965**
Case No.: 112700

The Board received information in order to determine whether Dr. McNamara's ability to practice medicine constituted a substantial danger to public health and safety. Mr. Garrett provided details of the case to the Board for its consideration.

DECISION:

On a motion by Dr. Bell, and duly seconded by Dr. Piness, the Board determined that Dr. McNamara's ability to practice medicine constituted a substantial danger to the public health and safety and voted to summarily suspend his license simultaneous with the institution of proceedings for a formal administrative hearing pursuant to Section 54.1-2408.1 of the Code of Virginia.

VOTE:

The vote was unanimous.

ADJOURNMENT:

The Board adjourned at 8:40 a.m.

A formal hearing will be scheduled before the Board for a final determination regarding this pending matter.

/s/ _____
Malcolm L. Cothran, M.D., Chair
President

6/21/2007
Date

/s/ _____
William L. Harp, M.D.
Executive Director

7/23/2007
Date

CALL TO ORDER:

A panel of the Board was called to order at 9:07 a.m.

MEMBERS PRESENT:

Stephen E. Heretick, J.D., Chair
Gopinath Jadhav, M.D.
Juan M. Montero, II, M.D.
Ellen Shapiro, D.P.M.
Jane Pinness, M.D.

STAFF PRESENT:

Howard Casway, Sr. Assistant Attorney General, Board Counsel
William L. Harp, M.D., Executive Director for the Board

**PARTIES ON BEHALF OF
THE COMMONWEALTH:**

James Schliessmann, Assistant Attorney General
Julia Bennett, Adjudication Specialist

OTHERS PRESENT:

Debra Hay-Pierce, Compliance Case Mgr., [witness on behalf of Commonwealth]

COURT REPORTER:

Comiller Boyd, Crane-Snead & Associates

MATTER SCHEDULED:

Robert C. Shepard, M.D. **License No.: 0101-224136**
Case No.: 107368

**COMMONWEALTH:
EXHIBITS:**

Exhibits 1-5 admitted into evidence.

DISCUSSION:

Dr. Shepard appeared before the Board in accordance with a Notice and Statement of Particulars dated September 26, 2006. He was not represented by counsel. The Board received sworn testimony regarding the allegations in the Statement of Particulars from Dr. Shepard and witnesses called to testify.

CLOSED SESSION:

Upon a motion by Dr. Piness, and duly seconded by Dr. Jadhav, the Board voted to convene a closed meeting pursuant to §2.2-3711.A(28) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Dr. Shepard. Additionally, she moved that Mr. Casway and Dr. Harp attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations.

RECONVENE:

Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Board re-convened in open session and announced its decision.

DECISION:

Upon a motion by Dr. Piness, and duly seconded by Dr. Jadhav, the Board made certain Findings of Fact and Conclusions of Law and voted to issue Dr. Shepard a reprimand.

VOTE:

The vote was unanimous.

ADJOURNMENT:

The Board adjourned at 10:31 a.m.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

/s/ _____
Stephen E. Heretick, J.D., Chair

/s/ _____
William L. Harp, M.D., Executive Director

7/20/2007
Date

7/23/2007
Date

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CALL TO ORDER: A panel of the Board was called to order at 10:20 a.m.

MEMBERS PRESENT: Karen A. Ransone, M.D., Chair
Patrick W. Clougherty, M.D.
Gen. Clara Adams-Ender, R.N.
Claudette Dalton, M.D.
Robert Mosby, M.D.

STAFF PRESENT: Amy Marschean, Sr. Assistant Attorney General, Board Counsel
Jennifer L. Deschenes, Deputy Executive Director of the Board

PARTIES ON BEHALF OF THE COMMONWEALTH: William Clay Garrett, Assistant Attorney General
Virginia A. Scher, Adjudication Specialist

COMMONWEALTH WITNESSES: Jennifer Baker, Regional Investigative Manager
James Wall, Investigator
Patient CC

RESPONDENT WITNESSES: Candy Betcher
Betty Lovelace

COURT REPORTER: Stayce Lawson, Crane – Snead & Associates

MATTER SCHEDULED: Timothy H. Hooker, M.D. License No.: 0101-020581
Case No.: 100072, 101651, 105114, 105862, 107835, 109140, 111012

COMMONWEALTH'S EXHIBITS: Exhibits 1-13 admitted into evidence

RESPONDENT'S EXHIBITS: Exhibit A admitted with informal conference settlement offer redacted

DISCUSSION: Dr. Hooker appeared before the Board in accordance with a Notice and Statement of Particulars dated January 19, 2007. He was represented by Glenn W. Pulley, Esquire. The Board received sworn testimony regarding the allegations in the Statement of Particulars from Dr. Hooker and witnesses called to testify.

CLOSED SESSION:

Upon a motion by Dr. Dalton, and duly seconded by Dr. Mosby, the Board voted to convene a closed meeting pursuant to §2.2-3711.A(28) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Dr. Hooker. Additionally, she moved that Ms. Marschean and Ms. Deschenes attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations.

RECONVENE:

Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Board re-convened in open session and announced its decision.

DECISION:

Upon a motion by Dr. Mosby, and duly seconded, the Board made certain Findings of Fact and Conclusions of Law and voted to suspend Dr. Hooker's license for not less than 18 months.

VOTE:

The vote was unanimous.

ADJOURNMENT:

The Board adjourned at 4:35 p.m.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

/s/ _____
Karen A. Ransone, M.D., Chair

/s/ _____
William L. Harp, M.D., Executive Director

6/21/2007
Date

7/23/2007
Date

CALL TO ORDER:

A panel of the Board was called to order at 11:23 a.m.

MEMBERS PRESENT:

Malcolm L. Cothran, Jr., M.D., Chair
Sandra Bell, M.D.
Suzanne Everhart, D.O.
Valerie Hoffman, D.P.M.
Brent Lambert, M.D.
Ann T. Burks, J.D.

STAFF PRESENT:

Ishneila Moore, Assistant Attorney General, Board Counsel

William L. Harp, Executive Director of the Board

**PARTIES ON BEHALF OF
THE COMMONWEALTH:**

Frank Pedrotty, Sr. Assistant Attorney General
Nancy Walsh, Adjudication Specialist

OTHERS PRESENT:

Barry Blumenthal, M.D. (*on behalf of the Commonwealth*)
Brian Kiernan, Ph.D. (*on behalf of the Commonwealth*)
Jane Wood, R.N. (*on behalf of the Commonwealth*)
Rebekah J. Powers (*on behalf of the Commonwealth*)
Anita Miller (*on behalf of the Commonwealth*)
Mr. Alvin Plumley (*on behalf of the Commonwealth*) (*by Phone*)
James Wall, Sr. Investigator (*on behalf of the Commonwealth*)
Peggy Wood, HPIP, Manager (*on behalf of the Commonwealth*)
Patricia Pade, M.D., Associate Medical Director (*on behalf of the Commonwealth*)
Althea Henderson (Dr. Henderson's Mother)

COURT REPORTER:

Keith Crane, Crane-Snead & Associates, Inc.

MATTER SCHEDULED:

**Courtney L. Henderson, M.D. License No.: 0101-239024
Case No.: 110144**

**COMMONWEALTH
EXHIBITS:**

Exhibits 1-5 admitted into evidence

RESPONDENT EXHIBIT:

Exhibit A admitted into evidence

DISCUSSION:

Dr. Henderson appeared before the Board in accordance with a Notice and Statement of Particulars dated January 25, 2007. She was represented by David Natkin, Esquire. The Board received sworn testimony regarding the allegations in the Statement of Particulars from Dr. Henderson and witnesses called to testify.

CLOSED SESSION:

Upon a motion by Dr. Bell, and duly seconded by Dr. Everhart, the Board voted to convene a closed meeting pursuant to §2.2-3711.A(15) of the Code of Virginia, for the purpose of consideration and discussion of medical and mental health records of Dr. Henderson. Additionally, she moved that Ms. Moore, Dr. Harp, Mr. Pedrotty, Ms. Walsh, Dr. Blumenthal and counsel for Dr. Henderson attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its discussion.

RECONVENE: Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Board re-convened in open session and continued to receive information.

CLOSED SESSION: Upon a motion by Dr. Bell, and duly seconded by Dr. Everhart, the Board voted to convene a closed meeting pursuant to §2.2-3711.A(15) of the Code of Virginia, for the purpose of consideration and discussion of medical and mental health records of Dr. Henderson. Additionally, she moved that Ms. Moore, Dr. Harp, Mr. Pedrotty, Ms. Walsh, Dr. Kiernan and counsel for Dr. Henderson attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its discussion.

RECONVENE: Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Board re-convened in open session and continued to receive information.

CLOSED SESSION: Upon a motion by Dr. Lambert, and duly seconded by Dr. Everhart, the Board voted to convene a closed meeting pursuant to §2.2-3711.A(15) of the Code of Virginia, for the purpose of consideration and discussion of medical and mental health records of Dr. Henderson. Additionally, she moved that Ms. Moore, Dr. Harp, Mr. Pedrotty, Ms. Walsh, and counsel for Dr.

Henderson attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its discussion.

RECONVENE: Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Board re-convened in open session and continued to receive information.

CLOSED SESSION: Upon a motion by Dr. Lambert, and duly seconded by Dr. Hoffman, the Board voted to convene a closed meeting pursuant to §2.2-3711.A(28) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Dr. Henderson. Additionally, he moved that Ms. Moore and Dr. Harp attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations.

RECONVENE: Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Board re-convened in open session and announced its decision.

DECISION: Upon a motion by Dr. Lambert, and duly seconded by Dr. Bell, the Board made certain Findings of Fact and Conclusions of Law and voted to place the license of Dr. Henderson on indefinite suspension. Further, Dr. Henderson was ordered to comply with her current Recovery Monitoring Contract with HPIP and may not petition for reinstatement of her license until approved by HPIP to do so.

VOTE: The vote was unanimous.

ADJOURNMENT: The Board adjourned at 5:43 p.m.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

/s/ _____
Malcolm L. Cothran, Jr., M.D., Chair

/s/ _____
William L. Harp, M.D., Executive Director

6/21/2007
Date

7/23/2007
Date

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CALL TO ORDER: A panel of the Board was called to order at 11:35 a.m.

MEMBERS PRESENT: Stephen E. Heretick, J.D., Chair
Gopinath Jadhav, M.D.
Juan M. Montero, II, M.D.
Ellen Shapiro, D.P.M.
Doug Swing, R.R.T.
Jane Piness, M.D.

STAFF PRESENT: Howard Casway, Sr. Assistant Attorney General, Board Counsel
Renée S. Dixon, Discipline Case Manager

**PARTIES ON BEHALF OF
THE COMMONWEALTH:** Julia Bennett, Adjudication Specialist

OTHERS PRESENT: Debra Hay-Pierce, Compliance Case Mgr., [*witness for Commonwealth*]

COURT REPORTER: Comiller Boyd, Crane-Snead & Associates

MATTER SCHEDULED: Michelle J. Lucas, R.C.P. License No.: 0117-003066
Case No.: 103343

COMMONWEALTH EXHIBITS: Exhibits 1-4 admitted into evidence

PRELIMINARY MATTERS: The Chair noted that the time was 11:36 a.m, and Ms. Lucas was scheduled to appear before the Board at 11:30 a.m. Ms. Bennett advised that no communication had been received from Ms. Lucas and provided the Chair with an affidavit signed by the Executive Director of the Board certifying that notice of the formal hearing had been sent to Ms. Lucas at her address of record with the Board.

RULING: Based on the information provided, the Chair ruled that proper notice had been made to Ms. Lucas, therefore, the formal hearing would proceed in her absence.

DISCUSSION: Ms. Lucas did not appear before the Board in accordance with a Notice and Statement of Particulars dated September 7, 2006, nor was she represented by counsel at the hearing. The Board received sworn testimony regarding the allegations in the Statement of Particulars from the witness called to testify on behalf of the Commonwealth.

CLOSED SESSION: Upon a motion by Dr. Piness, and duly seconded by Dr. Jadhav, the Board voted to convene a closed meeting pursuant to §2.2-3711.A(28) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Ms. Lucas. Additionally, she moved that Mr. Casway and Ms. Dixon attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations.

RECONVENE: Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Board re-convened in open session and announced its decision.

DECISION:

Upon a motion by Dr. Piness, and duly seconded by Dr. Montero, the Board made certain Findings of Fact and Conclusions of Law and voted to revoke the license of Ms. Lucas.

VOTE:

The vote was unanimous.

ADJOURNMENT:

The Board adjourned at 11:50 a.m.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

/s/ _____
Stephen E. Heretick, J.D., Chair

7/20/2007
Date

/s/ _____
William L. Harp, M.D., Executive Director

7/23/2007
Date